Substitute Bill No. 6589

January Session, 2001

AN ACT CONCERNING JUVENILE MATTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- Section 1. Section 46b-129a of the general statutes is repealed and
- 2 the following is substituted in lieu thereof:
- 3 In proceedings in the Superior Court under section 46b-129: (1) The 4 court may order the child, the parents, the guardian, or other persons 5 accused by a competent witness with abusing the child, to be 6 examined by one or more competent physicians, psychiatrists or 7 psychologists appointed by the court; (2) a child shall be represented 8 by counsel knowledgeable about representing such children who shall be appointed by the court to represent the child whose fee shall be 10 paid by the parents or guardian, or the estate of the child, or, if such 11 persons are unable to pay, by the court. In all cases in which the court 12 deems it appropriate, the court shall also appoint a person, other than 13 the person appointed to represent the child, as guardian ad litem for 14 such child to speak on behalf of the best interests of the child, which 15 guardian ad litem is not required to be an attorney-at-law but shall be 16 knowledgeable about the needs and protection of children and whose 17 fee] and to act as guardian ad litem for the child, provided (A) the 18 primary role of any counsel for the child including the counsel who 19 also serves as guardian ad litem, shall be to advocate for the child in 20 accordance with the Rules of Professional Conduct, (B) a separate 21 guardian ad litem shall be appointed to speak on behalf of the best

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interests of the child if it appears that there is a conflict of interest between the stated position or wishes of the child and the best interests of the child, and (C) in the event that a separate guardian ad litem is appointed, the person previously serving as both counsel and guardian ad litem for the child shall continue to serve as counsel for the child and a different person shall be appointed as guardian ad litem, unless the court for good cause also appoints a different person as counsel for the child. No person who has served as both counsel and guardian ad litem for a child shall thereafter serve solely as the child's guardian ad litem. The guardian ad litem is not required to be an attorney-at-law but shall be knowledgeable about the needs and protection of children. The counsel and guardian ad litem's fees, if any, shall be paid by the parents or guardian, or the estate of the child, or, if such persons are unable to pay, by the court; (3) the privilege against the disclosure of communications between husband and wife shall be inapplicable and either may be compelled to testify as to any relevant matter; and (4) evidence that the child has been abused or has sustained a nonaccidental injury shall constitute prima facie evidence that shall be sufficient to support an adjudication that such child is uncared for or neglected.

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Sec. 2. Section 46b-142 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Chief Court Administrator, in consultation with the judges of the Superior Court, shall establish districts for the purpose of establishing venue in juvenile matters. All petitions concerning delinquent children shall be heard within the district where the delinquency is alleged to have occurred or where the child resides, in the discretion of the court. All other petitions shall be heard within the district where the child or youth resided at the time of the filing of the petition, but for the purposes of this section any child or youth born in any hospital or institution where the mother is confined at the time of birth shall be deemed to have residence in the district wherein [his] such child's or youth's mother was living at the time of her admission

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to such hospital or institution.

- (b) The Department of Children and Families, or any party at interest aggrieved by any final judgment or order of the court, may appeal to the Appellate Court in accordance with the provisions of section 52-263. The clerk in charge of such juvenile matters shall forthwith, after notice of any appeal, prepare and file with the clerk of the Appellate Court the certified copy of the record of the case from which such appeal has been taken. The name of the child or youth involved in any such appeal shall not appear on the record of the appeal, and the records and papers of any juvenile case filed in the Appellate Court shall be open for inspection only to persons having a proper interest therein and upon order of the court.
- (c) Pending such appeal, the Superior Court may cause the child or youth to be detained in some suitable place as the court may direct, or may release the child or youth in the care of a parent, probation officer or other suitable person, and may require the appellant to enter into a bond or recognizance to the state, with surety or security conditioned that the child or youth shall appear before the Appellate Court and abide by the order and judgment.
- (d) Notwithstanding subsections (a), (b) and (c) of this section, the Department of Children and Families, or any party at interest aggrieved by a final judgment in a termination of parental rights proceeding, shall be entitled to an expedited hearing before the Appellate Court. A final decision of the Appellate Court shall be issued as soon as practicable after the date on which the certified copy of the record of the case is filed with the clerk of the Appellate Court.
- Sec. 3. Section 46b-150 of the general statutes is repealed and the following is substituted in lieu thereof:
- Any minor who has reached [his] <u>such minor's</u> sixteenth birthday and is residing in this state, or any parent or guardian of such minor, may petition the superior court for juvenile matters or the probate

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The court shall direct notice by certified mail to the parent, if the

parent is the petitioner. The court shall order such notice as it directs to

the Commissioner of Children and Families, and other persons having

Statement of Legislative Commissioners:

In section 1, "attorney" was changed to "counsel" for consistency.

JUD Joint Favorable Subst.

an interest in the minor.

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